

14-096127

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Chapter 13 Case:
Case Number BKY 11-40640 KHS

Jorge G. Tirado, aka Joshua G. Tirado, and
Hannah L. Levine,

Debtors.

ORDER

This case is before the court on the motion of CitiMortgage, Inc., for relief from the automatic stay.

Based on the agreement of the parties,

1. The debtors post-petition arrears due to CitiMortgage, Inc., total the amount of \$6,576.86. Said total amount consists of post-petition payments for the months of April 1, 2014, through May 1, 2014, of \$2,844.15 each; suspense of (\$137.44) and, attorney's fees and costs of \$1,026.00.
2. The debtors will pay the regular June 1, 2014, monthly mortgage payment of \$2,844.15 on time and will continue to pay each consecutive month thereafter until paid in full. The Debtors will pay an extra installment amount of \$1,096.14 per month from June 15, 2014, through November 15, 2014.
3. CitiMortgage, Inc., may speak directly to debtors' counsel and the debtors regarding possible loan modification.
4. In the event that this case converts to a case under chapter 7, this would constitute a breach of agreement and upon filing an affidavit that the loan is not paid current contractually, the movant is entitled to an order for relief from the stay without further notice.
5. All payments to be applied towards arrearages must be in the form of cash or certified funds made payable to:

CitiMortgage, Inc.
PO Box 689196
Des Moines, IA 50368-9196

If the arrearages are not cured by said date, or in the event that the debtors again become delinquent in any payments due under the terms of the note and mortgage, or in the debtors' plan, and such default remains uncured following ten days' written notice from the date sent by first class mail to the debtors and counsel for debtors, and upon CitiMortgage, Inc's filing of an affidavit establishing debtors' default and failure to cure, the court may enter an order terminating the stay with respect to CitiMortgage, Inc., to permit CitiMortgage, Inc., or its successors or assigns, to foreclose that mortgage dated December 21, 2010, between Hannah Levine and Jorge Tirado, as joint tenants, husband and wife, mortgagors and Mortgage Electronic Registration Systems, Inc., as nominee for CitiMortgage Inc., mortgagee, in the original principal amount of \$408,000.00, which was filed in the office of the Registrar of Titles, on May 23, 2011, as document number T4859007, regarding certain land located in Hennepin County, Minnesota, described as:

Lot 16, Block 3, " Sunset Gables Second Division," Hennepin County, Minnesota.

there existing cause to terminate the stay, including lack of adequate protection. The debtors are not allowed more than two defaults of this order, and upon a third default, CitiMortgage, Inc., may file an affidavit, without serving a ten day default letter, establishing debtors' default and that it is the third such default, and the court may enter an order terminating the stay.

IT IS ORDERED: The motion is denied.

Dated: May 30, 2014

/e/ Kathleen H. Sanberg
KATHLEEN H. SANBERG
UNITED STATES BANKRUPTCY JUDGE